

No. 095

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Maldives and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to military and DOD civilian personnel of the United States who may be temporarily present in Republic of Maldives in connection with tsunami disaster relief or other mutually agreed activities.

As a result of these discussions, the Embassy proposes that such personnel be accorded the status equivalent to that accorded to administrative and technical staff of the United States Embassy under the Vienna Convention on Diplomatic Relations of April 18, 1961, and that they may enter and exit Republic of Maldives with United States identification and with collective movement or individual travel orders.

The Embassy further proposes that U.S. military personnel be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders; and that the Government of Republic of Maldives accord duty-free importation and exportation as well as exemption from internal taxation on products, property, material, and equipment imported into or acquired in Republic of Maldives by or for the United States government in connection with its official activities. Vehicles, vessels, and aircraft owned or operated by or exclusively for the United States armed forces shall not be subject to the payment of landing or port fees, pilotage charges, navigation, overflight or parking charges, light and harbor dues, or overland transit fees, while in Republic of Maldives; however, the United States armed forces shall pay reasonable charges for services requested and received.

DIPLOMATIC NOTE

Finally, the Embassy proposes that both governments waive any and all claims (other than contractual claims) against each other for damage, loss or destruction of the other's property or injury or death to personnel of the two governments arising out of the performance of their official duties. Claims by a third party arising out of either acts or omissions by any United States personnel may, at the discretion of the United States, be dealt with and settled by the United States in accordance with U.S. law.

If the foregoing is acceptable to the Government of Republic of Maldives, the Embassy proposes that this note, together with the Ministry's reply, shall constitute an agreement between the two governments which shall enter into force on the date of the Ministry's reply.

The Embassy takes this opportunity to renew to the Ministry of Foreign Affairs of Republic of Maldives the assurances of its highest consideration.

Embassy of the United States of America,

December 31, 2004.



DIPLOMATIC NOTE



Reference: (F2) WE-7-B/2004/ 59

The Ministry of Foreign Affairs of the Republic of Maldives presents its compliments to the Embassy of the United States of America to the Republic of Maldives and, with reference to the latter's Note no. 095, dated 31 December 2004, regarding issues related to military and DOD civilian personnel who may be present in the Maldives in connection with tsunami disaster relief or other mutually agreed activities, has the honour to convey the acceptance of the Government of the Maldives to the following proposals made in the aforesaid Note:

- that military and Department of Defence civilian personnel of the United States be accorded the status equivalent to that accorded to administrative and technical staff of the United States Embassy under the Vienna Convention on Diplomatic Relations of 18 April 1961, and they be allowed to enter and exit the Maldives with United States identification, and with collective movement or individual travel orders;
- that United States military personnel be authorised to wear uniforms while performing official duties and to carry arms while on duty if authorised to do so by their orders;
- that the Government of Maldives accord duty-free importation and exportation as well as exemption from internal taxation on products, property, material, and equipment imported into or acquired in the Maldives by or for the United States Government in connection with its official activities;



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- that vehicles, vessels, and aircraft owned or operated by or exclusively for the United States armed forces be exempt from the payment of landing or port fees, pilotage charges, navigation, overflight or parking charges, light and harbour dues, or overland transit fees, while in the Maldives; and that the United States armed forces shall pay reasonable charges for services requested and received;
- that both Governments waive any and all claims (other than contractual claims) against each other for damage, loss or destruction of the other's property or injury or death to personnel of the two Governments arising out of the performance of their duties, except claims by a third party arising out of either acts or omissions by any United States personnel, which the United States may at its discretion deal with and settle in accordance with US law; and

The Ministry also concurs to the proposal that the Embassy's Note no. 095 and this Note constitute an agreement between the two Governments which shall enter into force on 31 December 2004.

Notwithstanding the above, the Ministry wonders whether there would be a need for United States military personnel to carry arms during relief operations in a country such as the Maldives.

The Ministry of Foreign Affairs of the Republic of Maldives avails itself of this opportunity to renew to the Embassy of the United States of America to the Republic of Maldives the assurances of its highest consideration.

Malé, 31 December 2004

Embassy of the United States of America
COLOMBO

